

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
JUNE 4-5, 2003**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on June 4-5, 2003, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, June 4, 2003

CALL TO ORDER

Chair Helen Mountjoy called the Board meeting to order at 9:00 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Alcie Combs, Gail Henson, Jeff Mando, Thomas Layzell, Helen Mountjoy, Hilma Prather, David Tachau, Keith Travis and Paul Whalen. Dorie Combs joined the meeting in process at 9:20 a.m. on the first morning. Absent from the meeting was Samuel Robinson.

APPROVAL OF MINUTES

Alcie Combs moved approval of the April 2-3, 2003, regular meeting minutes and Paul Whalen seconded the motion. The motion carried.

REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION

Chair Helen Mountjoy welcomed Dr. Thomas Layzell to his first meeting of the Kentucky Board of Education and invited him to give his report.

Dr. Layzell reported on the following items:

- High School Feedback Reports – Last month ACT mailed out the high school feedback reports showing the college performance results of the Class of 2000. About 80% of the students that entered college in the fall of 2000 were included in the report and 87% of those profiled returned for a second college semester. Additionally, 82% returned for a second academic year. These statistics show

- some improvement. The Council on Postsecondary Education is working with the Department of Education to help superintendents make good use of the data from the report. One area of concern is that about 1/3 of the students included in the report receive an overall ACT score of less than 18. The percentage of students taking the ACT remains steady (71-72%) and a growing number of students are taking the core curriculum, which is resulting in improved scores.
- Education Trust Project - This pilot data project was created last summer and looks at the course taking patterns of middle and high school students. One of the key factors found so far is the impact that taking mathematics in high school has on college performance along with the need for close communication between school districts and teacher preparation programs.
 - Northern Kentucky Council Meeting - At a recent Council on Postsecondary Education meeting in Northern Kentucky, discussion with education partners occurred on student preparedness, workforce readiness and curriculum. Participants heard that college enrollment is up by over 33,000, since 1998. The demand for skilled workers continues to rise and the notion of slotting students into a college preparatory track versus lower level courses shortchanges both students and employers. The conclusion was reached that there is a continued need to work together on meeting both college and workforce expectations and not treat these as separate issues.
 - Go Higher Education - This web portal project continues to move along and will hopefully be completed by this time next year. The portal provides a one-stop shopping place for information on college entrance.
 - UCAN Program - This program parallels the Go Higher Education program and stands for University Coordinators Advising Network. It is transforming the Kentucky Virtual University into an electronic guidance office, which will help to address the shortage of counselors.
 - National Forum on College Level Learning - Sue Hodges Moore reported at the Board's last meeting that Kentucky is participating in this project, which is an attempt at the college level to assess student learning. Kentucky is one of five pilot states and this project is addressing a deficiency on the national report card on postsecondary education where Kentucky currently does not have an assessment of student learning at the college level.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Gene Wilhoit reported on the following items:

- New Staff Introduction - Linda France was introduced as the new Deputy Commissioner of Learning and Results Services and will join the Department on July 1.
- Technology Counts from Education Week - *Education Week's* assessment of technology in the states was released last month and noted positives in Kentucky of having a competitive ratio of computers per student, involvement of teachers in professional development, citation of teachers being comfortable using

technology, deployment of technology to high-poverty and high-minority schools and capacity to offer virtual high school. The report also pointed out areas in which Kentucky needs to focus improvements such as placement of computers particularly at the high school level in classrooms or wireless technology rather than labs, the age of computer equipment, beginning teachers feeling comfortable using technology, and the infrastructure under which Kentucky operates being copper rather than fiber-based. Addressing the infrastructure will require a partnership between public service and private vendors in order to move to a fiber-based system and this will be brought back to the state board in the future. Relative to getting technology the classroom at the high school level, some portable technologies will be piloted with five or six districts in the near future as part of the Department's high school initiative.

- Minority Superintendents Program - The finalists for the minority superintendents' program are being interviewed today and will be in place for the next school year.
- Court of Appeals Decision - The Court of Appeals issued a decision on the hiring of a school principal. The court said that if a school council asks for additional candidates, the superintendent must give the council all candidates and not just those recommended by the superintendent. The status of the decision is not final and binding because one of the parties asked for a review by the Kentucky Supreme Court and this could take up to a year. It is expected that this will be debated in the next legislative session.
- KDE Structure - The Board's priorities are currently being folded into the Department's work and staff is trying to deal with the budget fallout. The Department will be organized into three general work areas and the Board will be given a design before its next meeting. If any concerns exist around the design, a conversation around this can occur at the August meeting.

GOOD NEWS FROM SCHOOLS AND DISTRICTS

Chair Helen Mountjoy recognized and congratulated the following:

- Three schools in Kentucky were recently certified by the National PTA as a Parent Involvement School of Excellence. These were Dunn Elementary in Jefferson County, Cassidy Elementary in Fayette County and Northpointe Elementary in Boone County. These schools are part of 225 schools nationwide to receive this designation, are schools that cultivate exemplary parental involvement and have standards that help meet related provisions of the *No Child Left Behind Act*.
- Writing coach Deborah Martin at Wayland Alexander Elementary School in Ohio County has come up with a creative way of rewarding students for demonstrating their writing skills on CATS. Fourth and fifth grade students can win such items as autographs, books and t-shirts sent to the school by national and local celebrities. Martin has sent letters to every person and company she could find

asking for prizes for her students as a way to motivate them to get higher scores on CATS.

- Ron Brown, KDE Director of School Finance, was recognized at the 18th Annual Black Achievers Awards Banquet.
- Carol Gabbard, former Kentucky Board of Education member, received the Outstanding Alumni Award from Eastern Kentucky University, Department of Consumer Sciences, College of Health Sciences.
- Scott Gill, a Tates Creek High School Physics instructor in Fayette County and Sarah Lamb, a mathematics teacher at Owensboro Middle School in the Owensboro Independent District were winners of the 2002 Presidential Excellence in Mathematics Teaching awards. These two individuals received presidential citations, \$7,500 for professional development and attended several Washington recognition events.
- Daviess County School District has been selected by Pat Sommerall Productions to be featured in an upcoming program entitled “Champions of Industry: Spotlight on Education”. The district is one of four districts nationwide to be visited by the television production team and was selected because of the district’s emphasis on student achievement, holistic approach, successful implementation of the graduation 20/10 project and the district’s commitment to excellence.

At this point, the Chair asked Deputy Commissioner Kevin Noland to report on his recent trip to Pennsylvania to help share Kentucky’s educational system with leaders of that state. Noland stated that Governor Patton, Ed Ford and he flew to Pennsylvania to meet with Governor Rindell and 100 business leaders to talk about educational change because Pennsylvania wants to head in the same direction as Kentucky relative to education. He noted that Governor Patton spoke first followed by Ed Ford and himself and indicated that his comments stressed the importance of comprehensiveness and sustainability educational reforms.

ANNOUNCEMENTS

Chair Mountjoy made the following announcements:

- A survey is contained in the meeting folders that needs to be filled out and returned to Bonnie Brinly.
- There will be a change in composition in the performance judgment appeals panel due to Samuel Robinson’s absence due to his wife’s illness. Mountjoy indicated she would substitute for Robinson on the panel if other members had no objection.

RELEASE OF THE PHASE II ADEQUACY STUDY

Drs. Larry Picus and Allen Odden appeared before the Board to present the Phase II Adequacy Study and a summary of all of their prior work in Kentucky on both equity and adequacy. The major points of their presentation included:

- The equity analysis of SEEK concluded that it is equitable and they recommended no dramatic revision of the formula.
- Two adequacy studies have been conducted, with the first being an evidence-based approach and the second being a professional judgment approach (input from 9 panels of educators across the state).
- Adequacy requires the provision of fiscal resources adequate to enable each school to deploy educational strategies that can educate nearly all its students to the state's proficient standards.
- The four approaches to defining adequacy are cost functions, successful district, professional judgment, and evidence-based. The most commonly used approach is the professional judgment one where the financial resources needed and total costs come forward by using panels of educators. The evidence-based approach uses research on what works in schools rather than the panels of educators.
- In addition to the Picus and Odden study, another adequacy study exists done by Deborah Verstegen, that was commissioned by the Council for Basic Education.
- Picus and Odden's evidence-based approach indicated \$740 million additional dollars were needed for adequacy in Kentucky. The Verstegen study, a professional judgment approach, concluded that between \$892 million to \$1.162 billion additional dollars were needed and the Odden and Picus professional judgment approach yielded the need for an additional \$1.8 to \$2.3 billion dollars.
- Verstegen's analysis differed from the evidence-based approach of Picus and Odden due to the fact that it used lower class sizes in grades 4-12, increased teacher's salaries and included more special education services.
- The major differences between the Phase I and Phase II Picus and Odden studies were that the professional judgment model adds extra student and teacher days, includes instructional aides, uses lower class sizes and adds special education teachers.
- Picus and Odden recommended the Board focus mostly on their evidence-based approach because it contains detailed resource specifications, is evidence-based and defensible, is parsimonious because it is limited to the core issues, provides enough to get the job of establishing adequacy done and is affordable over the medium term.
- As to how the Board can move toward adequacy during a budget crisis, Picus and Odden advised members to think strategically and conceptualize adequate funding as a medium term goal that does not have to be funded overnight. The Board was encouraged to remember that the major route to increasing student learning is through better instruction; thus, the top priority should be professional development. The next level of priorities were cited as resources for struggling students, preschool, full-day kindergarten, smaller class sizes in K-3 and technology.

BUDGET PRIORITIES DISCUSSION

Chair Helen Mountjoy noted that this topic came out of the discussion at the Board's annual retreat and emphasized the Board will continue to discuss budget priorities at future meetings. However, she asked Board members if the content of the staff note was reflective of the discussion at the retreat and if Board members wanted staff to use this content to begin the development of the upcoming budget. By consensus, the Board responded affirmatively to both questions.

FUNDING FOR PUBLIC EDUCATION IN KENTUCKY

Chair Mountjoy noted that at the retreat, the Board indicated it wished to take a position supporting funding for public education in Kentucky. She asked them to look at the resolution included as an attachment to the staff note to see if it captured the feeling of the Board on this issue and relevant facts. Jeff Mando emphasized that the adoption of this resolution is one of the most important things that will be done at this meeting and moved the resolution's adoption, with a second by Alcie Combs. The motion carried. The text of the adopted resolution follows:

RESOLUTION SUPPORTING FUNDING FOR PUBLIC EDUCATION IN KENTUCKY

By
***The Kentucky Board of Education
Commonwealth of Kentucky***

- Whereas,* The Kentucky Board of Education is empowered by the Kentucky General Assembly to carry out the management and control of the common schools and all programs operated in these schools, and
- Whereas,* The Board's vision of "Every child, regardless of parentage or poverty, geography or location, will receive a world-class education to prepare for productive adult life, continuing education and responsible citizenship," and
- Whereas,* The mission of the Kentucky Board of Education is to focus the efforts of the Kentucky Department of Education, local schools, districts and partners in public education to assist all schools to meet proficiency by 2014 and to assure that each child is given the maximum opportunity to achieve at high levels, and
- Whereas,* The Kentucky Board of Education is deeply concerned about the adequate funding of Kentucky's system of public education, especially in light of continuing estimates of state revenue shortfalls, and

Whereas,

That vision, and the future of our children and our state, are in jeopardy because:

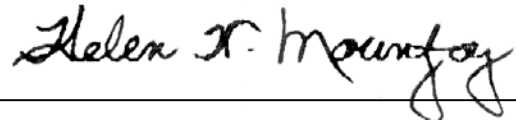
- Spending on K-12 education as a percentage of the General Fund has declined from a high of 48% in 1994 to 41.2% in 2002, a decrease of 6.8%.
- The Support Educational Excellence in Kentucky formula by which basic funding is allocated to local school districts has barely kept pace with inflation since 1990.
- Mandated salary increases have caused districts to use most if not all (and in some cases more than was provided) of their additional state revenue on salaries, and even with mandated salary increases, Kentucky has not been able to maintain the increase in educational ranking among the states that it realized in the mid-1990s.
- All-day kindergarten is not state-funded but is viewed as a critical component for student success.
- The preschool program, shown by research to make a valuable difference in the learning of targeted students, has never been fully funded by state revenue.
- Most categorical programs have seen reductions in state revenue, while the need for services by students and/or costs have continued to increase.
- Maintenance of the Kentucky Education Technology System (KETS) has not been funded by the state at the recommended level, creating inequities in student access to education technology.
- Preschool and all-day kindergarten have created a need for additional and/or upgraded facilities. The School Facilities Construction Commission has been under funded for years.
- Health insurance costs for district/school employees continue to increase at double-digit levels.
- To meet Kentucky's high educational standards, additional instructional days are desperately needed, as well as additional time for professional development.
- Kentucky's population of Limited English Proficient students is the fifth fastest growing in the nation, and these students require additional services for which funds are not provided by the state.
- Revenue available to local districts for student programs and services has been affected by:
 - The state's decision to have Flexible Spending Account balances returned to the state, rather than to districts;
 - The state's decision to require local districts to pay life and health insurance premiums for federally funded employees; and,
 - Low interest rates earned on cash and investments.

Whereas, Kentucky faces new federal accountability requirements from the *No Child Left Behind Act* that are not fully funded, and

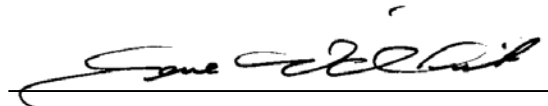
Whereas, Kentucky's own accountability system, which sets high expectations for all students, requires adequate funding.

NOW THEREFORE, be it resolved by the Kentucky Board of Education to declare that the public must recognize that what exists in the state is not a spending problem but rather a revenue problem and that the state's leaders must generate the revenue necessary to ensure that Kentucky's education system leaves no child behind and continually strives for excellence.

DONE AT THE KENTUCKY
BOARD OF EDUCATION
MEETING, in the city of Frankfort,
this fourth day of June, in the year
Two Thousand and Three.



Helen W. Mountjoy, Chair
Kentucky Board of Education



Gene Wilhoit, Commissioner
Kentucky Department of Education

DISTRICT FACILITY PLANNING PROCESS

Division Director Mark Ryles appeared before the Board and presented a general briefing on facilities. He outlined the facility planning process that districts follow found in 702 KAR 1:1001. Ryles said the Board passed this process in 1992 and gave the following highlights:

- The current facility planning process is dramatically decentralized compared to practices prior to 1992. The Department of Education is not the central authority over this process.
- Local boards of education have authority in the facility planning process and appoint the local planning committees. Local planning committees draft the facility plan through a series of public forums and hearings. This produces a long-range facilities plan that is submitted to the local board.

- The local board considers the plan for approval but has the authority to make changes. One member of the local board is a voting member of the local planning committee and the local superintendent is on the planning committee as a nonvoting member.
- Once approved by the local board, the local facility plan is submitted to the Department of Education for final approval.
- Ryles then moved on to share that part of the planning process is for architects and engineers to do assessments of all facilities. He noted that a tool exists for rating the facilities on a scale of 1 to 5 with 1 being excellent and 5 being poor. Particular characteristics of Category 5 buildings were identified as:
 - Being over 40 years of age without any major renovations, often constructed of wood, often having accessibility issues and many times using a substantial amount of energy.
- Ryles indicated in order to be a Category 1, the district has to have a sustainable program, which means less than 10 percent of its buildings need replacement or major renovations.
- As an item to consider in the future, Ryles asked the Board to think about having the local facility hearings done locally rather than by Frankfort staff. He stated this would allow Department of Education staff to focus on orientation, training and more substantive issues. Ryles indicated that the Board may want to consider some streamlining of the local facility planning process and that any of these changes would require a future change in regulation.
- An issue pointed out by Associate Commissioner Kyna Koch was that none of the adequacy studies considered by the Board contain any additional dollars for facilities. She stated that if all day kindergarten, full funding of preschool and/or reduction of class size for primary are implemented, these would impact the facility needs for school districts. Koch noted that staff is working to include dollars for facilities in the recommendation it brings back to the Board on adequacy .
- Mr. Ryles then summarized the goals for facilities that his Division aspires to reach as follows:
 - Improve the state's conditions of all schools so that 90% of the facilities will be in good to new condition.
 - Eliminate the use of portable classrooms.
 - Reduce the unmet needs to \$600.
 - Eliminate all accessibility issues
 - Show a connection between facilities and student performance
 - Complete statewide technology implementation in buildings
 - Improve security in schools
 - Ensure that state-of-the-art instructional practices are incorporated in the design of schools
 - Eliminate the 44 worst buildings from service
 - Promote exemplary maintenance programs with adequate budget and an electronic work order system

Staff were then asked to share legislation passed during the recent session related to facilities. Associate Commissioner Kyna Koch indicated that Mark Ryles had taken some criticism for some of the projects that were passed during the last legislative session. She emphasized that the projects were legislative initiatives where the Department was asked to respond to requests for information by the General Assembly. Koch stated that the Department still supports the current facilities process with increased funding to reduce the unmet need.

Mr. Ryles explained that two new initiatives evolved out of the legislative session, the Urgent Needs Trust Fund and Funds for Category 5 Buildings. He said that the General Assembly asked staff to develop specific criteria to run against the Category 5 buildings across the state. Ryles shared that the first piece of legislation from the Senate created funding for thirteen projects and a second piece of legislation from the House offered funding to eleven districts for facilities projects. Ryles specified that the difference between the two pieces of legislation was that the first group of projects was already on each district's facility plan whereas the second group of eleven was not on each district's current facility plan and would take some consolidation of schools to accomplish. Ryles indicated the projects would also have to be added to each district's facility plan. He emphasized that the intent of this second piece of legislation was for the local board to decide if it wanted to take advantage of the funding and said this was not a mandated initiative.

KENTUCKY PRESCHOOL PROGRAM

Chair Helen Mountjoy reminded the Board that at its last meeting, the Learning Support/Learning Results Committee requested a full board briefing on preschool come forward for the June meeting. She said that since that time some questions have arisen on alternative models for preschool and noted a discussion on this would occur during the briefing. Commissioner Wilhoit added that within the briefing staff would cover the research results of preschool intervention, process for setting up a preschool program including the waiver process, the components of a high quality preschool program and existing resource issues.

Staff shared the following major points:

- It is proven that quality preschool programs make a difference in the learning of children. The Department of Education has engaged with the University of Kentucky in an eight-year longitudinal study that follows preschool children from entrance into preschool through the primary program and into the intermediate experience. The results show there is a difference in the achievement for these children on through their school career. Multiple studies exist to support this finding.
- The preschool program in Kentucky serves free-lunch eligible four-year-old children and all three-and four-year-old children with disabilities.

- Research on the Kentucky preschool program shows that students improved academically, socially and made an easier transition into the regular school program.
- Some research indicates that for every dollar invested in preschool, seven dollars are saved later in a student's life.
- Effective programs include health screening, family involvement, and the classroom experience.
- As far as curriculum, there is a variety within Kentucky but staff believe a degree of consistency exists. One reason for some consistency is the five regional training centers that provide professional development. Additionally, the University of Kentucky study did find that generally the programs in Kentucky are quality programs.
- Quality programs include interaction with adults, other children and materials in the classroom; use a hands-on learning approach; have a conscious, intentional division of time and utilize observational assessments.
- Early childhood standards have been developed by the Department, Governor's Office of Early Childhood and others that look at the continuum of a student's educational progress. The standards are aligned with the Kentucky Program of Studies and Headstart outcomes. These will be rolled out this summer and staff hopes that the standards will help teachers determine where students are and where they need to move next.

The next part of the preschool briefing transitioned to the waiver process that is allowed by statute. Staff indicated that the important principle is that a preschool program must be comprehensive in nature with their preference being a four-day program. Staff went on to say that the fifth day should be used to focus on the whole child including health screenings, home visits, etc. It was emphasized that no waivers have been approved for this school year but staff indicated they had received more calls this year than in the past inquiring about the waiver option. It was reported that only one official request for a waiver from Marion County had been received where the district is requesting a two-day program due to a temporary space issue until an elementary school can be built. Staff went on to report that there are two districts where the local board has voted to do an alternative schedule; however, no official request has been received. Staff was then asked by the Board to contact those districts about their intent to pursue an alternative schedule and the need to apply for a waiver if in fact this is their intent.

Much concern was expressed by the Board about the developmental appropriateness of a two-day program. Doubt was expressed about being able to support such waiver requests. Staff replied that in the past waivers have been granted on the basis of responding to dire circumstances and requested guidance from the Board on granting waivers. The Board agreed by consensus that the Commissioner should not approve any program that is not developmentally appropriate.

Questions were then asked about the chart on page 44 of the Agenda Book that showed considerable increases in the number of students with disabilities served through the preschool program. Staff responded that identification efforts were intensified beginning

in 1996 and that the numbers are real due to greater child find efforts. Staff were then asked to do some additional follow-up on preschool issues as follows:

- Pursue academic requirements in reading and mathematics for preschool and bring a proposal back to the new curriculum committee for discussion.
- Come forward with a recommendation for full funding of the preschool program that is based on the criteria needed to carry out the program.
- Determine where the 36% of four-year-old free lunch eligible children are being served that are not currently served by the state preschool program.
- Compile a breakdown district by district on preschool enrollment and pursue ways to partner with other agencies on wrap-around childcare.
- Compile information about wrap-around services and their costs.

ADOPTION OF KENTUCKY'S POLICY AND DEFINITIONS FOR UNSAFE SCHOOL CHOICE OPTION

Chair Mountjoy clarified that this item is coming back to the Board because more work was requested to produce a tiered approach of intervention and to look at whether the standards to identify persistently dangerous schools and victims of a violent crime were rigorous enough. Commissioner Wilhoit noted that Attachment C is the Department's attempt to respond to the Board's request for a tiered approach. It was noted that Jon Akers was present as a partner from the Center for School Safety.

Several concerns were raised by Board members on the proposed tiered approach as follows:

- Timing of the annual review and when it is submitted.
- Involvement of the school-based decision making council in the process.
- Problems of where students in a small school district would go when there is no alternative placement for them within the district.
- Whole idea of an annual review being too long before situations are examined.

At this point, Chair Mountjoy pointed out that A5 schools are not included in this process and said that the Local Superintendents Advisory Council objected to their inclusion because there are no transfer options after alternative education. Steve Kimberling added that of the 14 states encountered at a recent meeting, none of these included alternative education within the process. Jon Akers from the Center for School Safety advised that if A5 schools are included, it will be hard to implement HB 330. Commissioner Wilhoit commented that it seemed foolish to include A5 schools in the federal definition but said the Board could deal with these schools at the state level. Mountjoy then emphasized that today the Board must approve the two definitions for submission to the federal government and noted that the plan in Attachment C belongs to the Board and could be the vehicle where A5 schools are incorporated.

Gail Henson then moved acceptance of the two definitions proposed by staff excluding A5 schools and Paul Whalen seconded the motion. The motion carried with Keith Travis, Paul Whalen and Hilma Prather voting no.

RECOMMENDATIONS FROM THE PRE-K TO 16 COUNCIL'S AMERICAN DIPLOMA PROJECT POLICY PANEL

Commissioner Wilhoit explained that through a series of Pre-K to 16 Council meetings, a number of recommendations have resulted that have implications for the Kentucky Board of Education. He then went through each recommendation as follows:

- *Recommendation 1 - The recommendation states: "Kentucky's Educational P-16 partners will align pre-service and professional development activities with refined content standards reflecting the benchmarks developed by the American Diploma Project (ADP)."*

The Commissioner characterized this as a good activity for all to engage in; however, he noted that the benchmarks are not yet available. His recommendation was to wait until the benchmarks are ready in September to see if possible changes in the core content might need pursuing.

- *Recommendation 2 - The recommendation stated: " Kentucky's P-16 educators will align all writing programs and initiatives."*

The Commissioner pointed out that this recommendation relates to the fact that the definition of transactive writing does not align from high school to college. He recommended not adding any new components to the writing portfolio or CATS test, but said instead that work should be done within the current structure to clarify transactive writing. He believed this to be a developmental activity for staff to see what can be brought forward in professional development.

- *Recommendation 3 - The recommendation stated: "The Kentucky Board of Education (KBE), the Kentucky Department of Education (KDE), the Council on Postsecondary Education (CPE), and the Cabinet for Workforce Development (CWD) will strengthen Kentucky's educational expectations around mastery of content standards based on the benchmarks developed by the ADP."*

The Commissioner explained that this recommendation has to do specifically with a mathematics issue because the opinion exists that there should be an additional year of mathematics. Chair Mountjoy commented that if higher education feels four years of mathematics is beneficial, it would be expeditious of the institutions to require this as an admissions requirement. Dr. Thomas Layzell thought this was a good point and said the elementary/secondary community and higher education community need to understand that they are one education community. Layzell felt that higher education needs to do a better job of aligning admissions requirements and said that alignment would need to be looked at on their end.

- Recommendation 5 - The recommendation stated: “The P-16 council will work with all agencies to develop a communication plan to educate citizens about postsecondary and new economy expectations for high school graduates.”

It was recommended that the Board work with other entities in the development of this communication plan.

REGULAR COMMITTEE MEETINGS

The Learning Support/Learning Results and Management Support Committees met from 3:30 p.m. to 5:00 p.m.

Thursday, June 5, 2003

ASSESSMENT AND ACCOUNTABILITY ISSUES RELATED TO NCLB

Chair Mountjoy reminded Board members that when they left the April meeting the Department was waiting to hear from the United States Department of Education relative to the Peer Review session. She emphasized that Kentucky has every intention of complying with the goals of the *No Child Left Behind Act*. Mountjoy went on to say that a letter did come from Washington giving input from the Peer Review and a response was sent back to them, which were both sent to the Board for review.

Commissioner Wilhoit then proceeded to summarize the interaction with USDOE over Kentucky’s submitted application and talked about unresolved issues.

- Graduation Rates - There was a question from USDOE as to whether Kentucky was going to count those receiving non-traditional diplomas in its calculation of graduation rates because this was not allowed by federal law. The Commissioner said that Kentucky could calculate the graduation rate as USDOE requested or continue to negotiate this point. Concern was expressed by the Board that there is an interest in providing appropriate recognition for each child and counting their achievement.
- Starting Points - The Kentucky baseline data and the federally required 2002 “starting points” are among matters to be resolved.
- Alternate Assessment for Students with Disabilities - The Commissioner conveyed that he feels Kentucky is already in compliance with the law but noted that this is an unresolved area because the regulations are not yet in place. Wilhoit noted that there seemed to be a willingness at the federal level to postpone a decision on this until further guidance is available. Chair Mountjoy indicated that this may be an area where the Department may want to comment on the proposed federal regulations.
- Participation - Commissioner Wilhoit noted that the USDOE wants a flat figure relative to participation and said the Department can do this.

The Commissioner then moved on to areas of substantive difference as follows:

- Indexing of Student's Scores Up to the School Level Using All Content Areas - The Commissioner explained that USDOE takes issue with the way we take student's scores and index them up to the school level using all content areas. However, he said that the federal level requires states to set a point for AYP in reading and mathematics reported for each school, with the only subdivisions being elementary, middle and high school levels. The Commissioner said he perceived the only way to comply with this requirement is to implement a two-tiered system where schools must meet a minimum mathematics and reading performance level. He felt this will be confusing and could yield high performing schools with low federal status or vice versa. Wilhoit noted that there is no indication the federal level will accept anything other than what he had described.
- Timeline for Return of Test Results to Schools - Commissioner Wilhoit reminded the Board that because we administer the CATS test in the spring and the total results come back to schools in October, Kentucky's original submission to USDOE proposed that schools use these results to develop a school improvement plan and offer school choice the following school year. However, he explained that the USDOE says regardless of when the tests are administered, choice must be offered the next school year. The Commissioner commented that there is a dilemma on getting Kentucky's test results back in time to meet this requirement and said the only way to do this would be to move the administration of the tests to a point earlier in the school year; however, he noted he could not recommend doing this. Other options offered by the Commissioner included working with the testing contractor over time to get the results on reading and mathematics back quicker or using partial results from the Kentucky Core Content Test multiple choice items on which to base AYP. However, he noted that the USDOE says that then AYP would not be based on Kentucky's entire test. Wilhoit then stated that the USDOE is recommending doing partial scoring of items that can be done early with initial AYP results made on that basis but then a final determination made once all results are in. He pointed out that two other states are using this model. The Board recommended that their first preference is to work with the testing vendor to score reading and mathematics portions of the test first and give them back to schools earlier.

At this point the Commissioner announced an event will be held in Washington, DC on Tuesday to publicly announce the states whose accountability plans have been approved. He suggested that the Board authorize him to submit Kentucky's intent to comply in the areas cited by USDOE in their letter regarding Kentucky's Peer Review. He went on to say that the general parameters of compliance would be described with a caveat indicating that final determination of Kentucky's approach must be made by the Kentucky Board of Education with advice from several statutorily created groups, with this determination taking some time.

Chair Mountjoy noted that the USDOE desires to announce on Tuesday that all states are in compliance with their accountability plan. She explained that Kevin Noland had

talked with federal officials yesterday and reported they want rewrites of some parts of Kentucky's plan by tomorrow, which is not doable. Mountjoy asked that the Commissioner be empowered to submit some general responses and to mark our plan with Ws in several areas along with the caveat that the ultimate decision has to be made by the Kentucky Board of Education with advise from statutorily created advisory groups.

Jeff Mando then moved to empower the Commissioner to make a resubmission for Kentucky on the contested areas with those ideas he is willing to propose for the Board's consideration along with a notation that the final decision has to be made by the Kentucky Board of Education at a later date. Keith Travis seconded the motion and it carried.

Before moving on to the next topic, Chair Mountjoy asked Drs. Poggio and Catterall to start conversations with their colleagues on possible approaches on these areas of contention. She also asked Benny Lile of the School Curriculum, Assessment and Accountability Council to make sure that group provides advise on these matters. Mountjoy emphasized that the Board's challenge is to provide the very best for children and do what it can to meet federal requirements.

SAFETY REPORT AND RECOMMENDATIONS FOR KSB/KSD FROM THE CENTER OF SCHOOL SAFETY AUDITS AND AN UPDATE ON THE WORK OF THE EARLY IDENTIFICATION STAKEHOLDER GROUP ESTABLISHED TO SOLICIT PUBLIC INPUT FOR EXPANSION AND IMPROVEMENT OF SERVICES

There were two parts to this agenda item, the first on safety audits at KSB and KSD and the other a report from the early identification stakeholder group. Relative to the safety audits, Barbara Kibler noted that audits were done at both schools with a checklist developed to make sure any deficiencies were corrected. She said that the audits were done by the Center for School Safety. Some concerns noted by Board members with a request to rectify the following:

- Correction of any mold problems
- Prevention of unauthorized visitors entering any of the facilities in the evening
- Not moving ahead with any of the major projects on the 6-year facilities/architectural reports until the Board decides where these schools are headed for the long-term

The Board moved on to hear from the early identification stakeholder group. Staff reported that this group was ahead of the other stakeholder groups and indicated they have collaborated with many partners.

Diane Haynes, Chair of the early identification group, reported the following:

- Twenty-seven participants constitute this group.

- All of the persons in the group have committed to continue work and desire the group to be designated as a work group rather than a stakeholder group.
- The three major issues/concerns of the group include:
 - Children with disabilities and/or sensory loss are not being identified early enough. Families are not being provided with the appropriate information and referral services to assist them in making informed decisions; there is a lack of coordination between education and medical communities.
 - Personnel lack competency related to disabilities and/or sensory loss; pre-service and in-service training do not adequately address the unique learning styles and learning needs of individual children with disability and/or sensory loss; the content of the IFSP and IEP for children with a disability and/or sensory loss do not always reflect effective practices and their unique learning needs.
 - Families are not being provided the appropriate information and resources to become effective advocates on behalf of their child with a disability and/or sensory loss. Information on legislative issues, laws and entitlements as well as information specific to the disability and/or sensory loss is often not provided. Greater emphasis needs to be placed on assisting family members beyond the awareness level of information and resources to one of knowledge and skill.
- The group has developed short term, intermediate and long-term outcomes.
- Four major areas of activities are recommended by the group as follows:
 - (a) Competency based training and follow-up technical assistance provided by special projects;
 - (b) Early identification activities – partnering with medical and educational communities;
 - (c) A comprehensive clearinghouse for children birth to five with a disability and/or sensory loss; and,
 - (d) Tracking systems.

HEARING OFFICER'S REPORT

Deputy Commissioner Kevin Noland reported that no comments were received via public hearing for the regulations passed at the April meeting. He then moved on to the effects of SB71 on consideration of regulations by the Board. Noland explained that the bill only requires the Board to look at a regulation once; however, he shared that if the Board desires to continue to see a regulation twice before giving final approval, it could review the regulation the first time and then give approval on the second reading. Through consensus, the Board agreed that it would like to see a regulation the first time as a review item and then give final approval on the second reading.

IMPLEMENTATION OF BUDGET BILL LANGUAGE REGARDING KDE EMPLOYMENT

Deputy Commissioner Kevin Noland indicated that the Board was sent information on May 9 that outlined the staff working via an employment arrangement with the Kentucky

Educational Cooperative, which now needs to be moved back into KBE/KDE unclassified positions. He explained that beginning in 2000, through the budget bill the Kentucky Board of Education was given the authority to set leadership positions within the unclassified system and to set salary ranges for these positions. Noland went on to say that since there was no budget passed in 2002, a temporary employment arrangement had to be made through KEDC in order to pay these employees. Now since a new budget has been passed, the KBE once again has this additional authority. Noland said that it is time for the Board to move these employees back under the KBE/KDE unclassified system.

Therefore, Gail Henson moved to declare the employees in the positions listed on the list sent to the Board as unclassified; establish the salary ranges listed within the relevant memorandum for the positions; authorize the Commissioner of Education to assign salaries within the authorized ranges for the particular positions for the employees identified on the list while not increasing anyone's salary as a result of this action; and as new employees are hired into the positions designated as unclassified, the same approach will apply as to their unclassified status and assignment of salary. Janice Allen seconded the motion and it carried.

LEARNING SUPPORT/LEARNING RESULTS COMMITTEE REPORT

Action/Consent Items

1. **Certification of Nonpublic Schools.** Gail Henson indicated that her committee recommended and she moved the approval of those nonpublic schools submitted for certification. Jeffrey Mando noted that he recused himself from voting on certification of St. Joseph Elementary in Crescent Springs. The Board agreed with the Committee's recommendation.

Action/Discussion Items

1. **704 KAR 7:050, Student Discipline Guidelines (Final).** Gail Henson indicated no changes had been made in this regulation since its last review and she moved final approval 704 KAR 7:050. The Board concurred with the recommendation.
2. **Appointments to the State Textbook Commission.** On behalf of her Committee, Gail Henson moved the approval of the appointment of Cliff Owen and Catrina Sloan to the State Textbook Commission. The Board concurred with the Committee's recommendation.

Review Items

1. **Proposed Approach to Refocusing Secondary Education.** Chair Henson reported the following major points from this presentation:
 - A panel appeared for this presentation consisting of Terry Brooks from Oldham County, Nick Brake from the Owensboro Technical College and Tom Welch from Jessamine County.

- Some barriers raised by the presenters included the Carnegie Unit, the need for different structures to promote success, the current structure for recording and the need for a different school council structure.
- Ideas proposed by the presenters included use of mentors, intensive structures to promote transition from middle to high to postsecondary education, a commitment to meeting the needs of students and not just to seat time for issuing of credit and the use of early graduation or making the senior year more meaningful.
- Department staff will come back in August asking for waivers for those schools participating in the pilot for this initiative.

MANAGEMENT SUPPORT COMMITTEE REPORT

Action/Consent Items

1. **District Facility Plans - Allen, Breckinridge, Campbell, Casey, Floyd, Franklin, Gallatin, Kenton, Marion, Marshall, McCracken, Monroe, Shelby, Spencer and Todd Counties and Ashland, Berea, Dawson Springs, Elizabethtown, Glasgow, Mayfield, Middlesboro, Monticello, Murray, Paris, Somerset, Walton-Verona and West Point Independents.** Hilma Prather recused herself from voting on the facility plan from Somerset Independent. Chair Keith Travis then moved approval of all submitted facility plans and the Board concurred.
2. **District Facility Plan Amendment: Montgomery County.** Keith Travis moved approval of the Montgomery County Facility Plan Amendment and the Board agreed.

Action/Discussion Items

1. **Urgent Needs Trust Fund.** Chair Travis moved approval of all submitted districts qualified for funding under the Urgent Needs Trust Fund and the Board concurred.
2. **Kentucky Minimum Specifications for School Buses, Revised 2004.** Keith Travis moved approval of this document and the Board agreed.
3. **Kentucky High School Athletic Association Board of Control Appointments.** Chair Travis reported that Cynthia Elliott is being recommended for reappointment to the KHSAA Board of Control as recommended by the Department and Bridget DeVries. He asked that the reappointment letter going to Ms. Elliott emphasize the expectation of regular attendance of KHSAA Board of Control meetings. Travis then moved approval of Ms. Elliott's reappointment and the Board agreed.

Some concern existed within the Board about the format for the KHSAA's Title IX reports. It was expressed that the reports do not show whether the changes have been implemented and do not indicate which problems are the most serious. It was agreed that concerns would be passed on to Jeff Mando, the new chair for

the Management Support Committee, to see if this committee wants the information in another format.

Review Items

1. **Covington Independent Update.** Keith Travis reported that staff believes the end-of-the-year deficit for Covington Independent will be in the \$2.4 million range but noted that the district says the amount will be less than that. He indicated the exact amount will be known within 30 days and asked Kyna Koch to summarize the status in Covington.

Kyna Koch gave the following summary of points:

- At the last Kentucky Board of Education meeting, the Board asked Chair Mountjoy to send a letter to the Covington Board of Education expressing concern over council elections for the new school being delayed until August. This would mean the superintendent would choose the principal and all staff.
- A reply was received from the Covington Board of Education indicating that it would address the council election occurring by July 1 but stating the principal had already been named by the superintendent. However, since the sending of that letter, the local board refused to ratify it because it was not approved by the board before being sent.
- The OEA final report on the school-based decision making allocation was received today but no response from Covington is yet available. OEA also expressed concern about the timing of the school-based decision making council election for the new school. The report also pointed to personnel violations committed by the superintendent and recommended action against Dr. Moreland.

Keith Travis emphasized that his committee is hopeful that progress will continue to occur in Covington Independent and said he appreciates the Department still supporting the district even after the loss of dollars within the budget.

INTERNAL BOARD BUSINESS

The items discussed under internal board business included the following:

New Meeting Dates - Hilma Prather moved approval of the revised meeting schedule for 2003 and 2004 and Dorie Combs seconded the motion. The motion carried.

Election of Board Officers - Gail Henson moved election of Helen Mountjoy as the Board Chair for 2003-2004 and Jeff Mando seconded. The motion carried unanimously. Next, Keith Travis moved election of Samuel Robinson as Vice

Chair of the Board and Gail Henson seconded it. The motion carried unanimously.

Approval of Board Committee Structure and Election of Committee Chairs

- The following committee structure and chairs were proposed for the Board's consideration:

- Assessment/Accountability Committee: Hilma Prather, Chair
- KSB/KSD Committee: Keith Travis, Chair
- Curriculum Committee: Doris Combs, Chair
- Management Committee: Jeff Mando, Chair
- P-16 Council Representatives: Gail Henson, Chair, with Paul Whalen and Hilma Prather, KBE representatives
- Audit Committee: David Tachau, Chair, with Janice Allen and Helen Mountjoy as members
- Performance Judgment Appeals Panel: Sam Robinson, Chair, and Jeff Mando and Gail Henson as members
- Evaluation Appeals Panel: Paul Whalen, Chair, with others to be appointed at a later time

Keith Travis moved acceptance of the committee structure and their chairs. Gail Henson seconded the motion and it carried.

NASBE Ballot - David Tachau moved to adopt staff's recommendation of Robert Lazard as President, Kim Burningham for President-Elect, Keith Johnson for Secretary-Treasurer and Dunbar Brooks for Southern Area Director. Keith Travis seconded the motion and it carried.

PERFORMANCE JUDGMENT APPEALS PANEL REPORT

Jeffrey Mando moved adoption of the proposed order received from the hearing officer denying the appeal from Christian County High School. Gail Henson seconded the motion and it carried.

MANAGEMENT SUPPORT COMMITTEE REPORT (CONT'D)

Action/Discussion Item

4. **Request for Waiver of the Local Planning Committee Two Thirds Majority Vote Required in 702 KAR 1:1001 and Harlan County District Facility Plan.**
Chair Keith Travis emphasized that the Committee heard from both sides on this emotional issue and said many different factors were considered including terrain of the area, location of the current high schools and academic performance. He noted that at the end of the Committee meeting both sides were asked to work together for the benefit of Harlan County's children regardless of the outcome.

Travis noted that there was a unanimous roll call vote to approve the waiver and the facility plan. He then moved approval on behalf of his Committee. The Board concurred with the Committee's recommendation. Deputy Commissioner Noland then asked that the minutes reflect there was good cause for granting the waiver. Hilma Prather so moved and Jeff Mando seconded. The motion carried unanimously.

ADJOURNMENT

The Board adjourned at 12:00 noon.